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How many shades of grey?

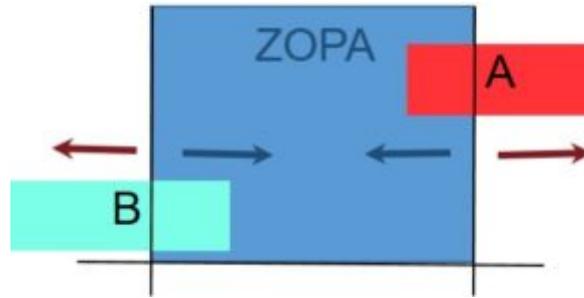
Charlie Woods (Core Solutions Group / Scottish Universities Insight Institute) · Monday, October 8th, 2018

When I first started getting seriously interested in mediation over ten years ago, the thought struck me that 'Shades of Grey' might be a good name for an organisation involved in this field. Thankfully, given a subsequent publication and film, I didn't pursue it any further – although if I'd registered the domain name it might have been worth something!

Few things can be seen in either/or terms and are much more likely to be both/and. This was certainly in my mind as I read a book called [American Character](#) by Colin Woodard, which charts the history of the relationship between the objectives of individual freedom and the common good in the context of American politics. At the heart of this story are eleven different 'nations', which Woodard considers make up the USA. He argues that each nation's cultural heritage has shaped their approach to politics – from the Puritan communitarian legacy of the north east 'Yankeedom' to the personal sovereignty of 'Greater Appalachia'.

Woodard contends that a well-functioning society needs to balance sufficient personal freedom and agency with the benefits of a society that works together and looks after each other when needed. This balance is often in tension and without the right sort of dialogue can break down as positions become entrenched and get in the way of developing a real understanding of where underlining needs and interests are shared (or indeed are genuinely different). When this breakdown occurs participants become more focussed on winning a zero sum game, rather than exploring the potential for finding shared ground where value can be added. There are one or two other high profile examples closer to home where this sort of process can currently be seen!

This polarisation also seems to reflect some of the ideas behind the concept of a zone of probable agreement (ZOPA) in a negotiation. As the position of parties becomes more extreme and apparently unreasonable to each other, they generate reactions which force proponents even further apart rather than drawing them towards each other in the ZOPA as more reasonable and reasoned dialogue might do.



There are many facets involved in getting into the ZOPA and the boundaries are almost certainly not as clear as my simple diagram suggests. A proposal in a negotiation is much more than the words and numbers it is made up of. How it is framed will be crucial, with certain terms being much more attractive to either party. Similarly, who makes the proposal will have an impact, with some figures being more divisive than others because of what they have said, or have been reported to say in the past. Baggage and association, both positive and negative, will have a vital part to play.

How a proposal is put together will also influence the chances of it hitting the ZOPA. The more acknowledgement of a counterparty's interests and needs and the more reassurance that can be given about objectives and motives, the more likely a proposal will be listened to.

To return to the struggle between individual freedom and the common good. The wellbeing of a group is very unlikely to simply be the aggregation of the wellbeing of the individuals that comprise the group. Not least because what might have positive benefits for one person might involve costs for others e.g. the dumping of waste and other pollution. On the other hand the benefits of certain types of investment might be greater for the group as a whole than will accrue to the person making the investment e.g. the positive spillovers from research and development.

In a 'perfectly competitive' world where these 'externalities' were internalised, very little mediation between different parties would be needed as the market's 'invisible hand' would do the job for us. However, imperfect markets are more the norm and institutions and individuals that provide mediation (formal or informal), which encourages productive dialogue focussed on the ZOPA in order to optimise outcomes, is essential if we are to balance individual freedom of action and the common good.

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